

apparatus for developing a program of assistance. For the past decade, the plight of intercity rail passenger service has prompted the proposal of scores of remedies, with meager results. The lack of any current program for outside assistance to railroads does not indicate that the present burden will be relieved in the future. Temporary postponements based on the possibility of such assistance would be unrealistic in the present environment.

The adverse conditions surrounding intercity trains in the past ten years do not justify attempts by some railroads to downgrade service deliberately in an attempt to prove particular trains are an undue burden. In requiring the continued operation of two Southern Pacific trains, the Commission found:

The evidence in this proceeding makes it abundantly clear that Southern Pacific has continued to discourage use of these trains by passengers. In fact, it has intensified its efforts in that direction. Whenever it appears, as it does in this proceeding, that a carrier has deliberately downgraded its service in order to justify discontinuance of a train irrespective of the actual or potential needs of the traveling public, the Commission will order the service to be continued. *** The Commission will not find burdens on interstate commerce within the meaning of section 13a of the act to be "undue" if those burdens are voluntarily created by carriers for the purpose of obtaining a favorable decision from the Commission.³⁷

37 Southern Pacific Co. Discontinuance of Trains Nos. 39 and 40 Between Tucumcari, N. Mex., and Phoenix, Ariz., 328 I. C. C. 360, 365 (1966).